

No. 25A\_\_\_\_\_

In the  
**Supreme Court of the United States**

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JAMES A. DELANIS,

*Petitioner,*

v.

BAKER, DONELSON, BEARMAN, CALDWELL & BERKOWITZ, PC;  
ROBERT J. MENDES, individually and in his capacity as a  
member of the Metro Council; and METROPOLITAN GOVERNMENT  
OF NASHVILLE & DAVIDSON COUNTY,

*Respondents.*

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*On application for an extension of time to file a petition  
for a writ of certiorari to the United States Court of Appeals  
for the Sixth Circuit*

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**APPLICATION FOR EXTENSION OF TIME TO  
FILE A PETITION FOR WRIT OF CERTIORARI**

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**To the Honorable Brett M. Kavanaugh, Circuit Justice for the Sixth Circuit:**

Under Supreme Court Rules 13.5, 22, and 30, James A. DeLanis respectfully requests a 60-day extension of time, to June 29, 2026, to file a petition for a writ of certiorari to review the judgment of the United States Court of Appeals for the Sixth Circuit in this case.

1. The opinion of the court of appeals, App. 1a, is reported at *DeLanis v. Metropolitan Government of Nashville & Davidson County*, 160 F.4th 732 (6th Cir. 2025). The court of appeals entered its judgment on November 24, 2025, App. 28a, and denied a timely filed petition for rehearing en banc on January 30, 2026, *id.* 29a. Thus, without an extension, the petition for a writ of certiorari is due on April 30, 2026. DeLanis is filing this application at least ten days before that date. *See* S. Ct. R. 13.3, 13.5. The Court’s jurisdiction would be invoked under 28 U.S.C. § 1254(1).

2. This case raises important issues about the scope of qualified immunity when private parties work with the government to violate an individual’s First Amendment rights. In *Filarsky v. Delia*, 566 U.S. 377 (2012), this Court held that qualified immunity applies to private parties “working for the government in pursuit of government objectives.” *Id.* at 392. That’s because the reasons “for recognizing immunity under § 1983” do not “depend[] on whether an individual working for the government does so as a full-time employee, or on some other basis.” *Id.* at 389. What matters is that the private party pursues the government’s interest, rather than “purely private ends.” *Id.* at 392. In such circumstances, private parties must “receive the same immunity enjoyed by their public employee counterparts.” *Id.* at 390.

3. Jim DeLanis worked as an attorney for the law firm Baker Donelson in Nashville, Tennessee. *Delanis*, 160 F.4th at 735. In 2021, the city of Nashville “reached out to” Baker Donelson to help protect the city’s recently enacted tax increase, which faced legal and political opposition. *Id.* at 736. One of Nashville’s problems was DeLanis. DeLanis also served as a member of the local election commission, and his protected political speech and activities threatened to jeopardize the tax increase. *Id.* 735–36. So Nashville leaned on Baker Donelson to influence DeLanis. *Id.* But the city did not just ask the firm to persuade DeLanis to change his mind—it threatened to pull the government’s business. *Id.* at 736. And Baker Donelson responded as expected: it fired DeLanis to protect its lucrative government accounts. *Id.* at 737.

In a divided opinion, the Sixth Circuit held that qualified immunity protected Baker Donelson from suit even though the firm was motivated by its own private interests in firing DeLanis. *Id.* at 735. On the front end, the court cited *Filarsky* and held that Baker Donelson receives the same immunity as its government counterparts because it “took marching orders . . . from city officials.” *Id.* at 741. That Baker Donelson sought to further its own business interests did not matter. *Id.* at 741–42. But on the back end, the court held that the firm’s personal motivation meant that an otherwise textbook First Amendment violation no longer satisfied qualified immunity’s “clearly established” test. *Id.* at 743, 744–45.

Judge Clay dissented. He questioned how the majority could dismiss Baker Donelson’s private interest when assessing whether the firm is eligible to assert

qualified immunity, yet rely on that private interest to hold that it did not violate DeLanis's clearly establish rights. *Id.* at 751. As Judge Clay viewed it, "Baker Donelson's focus on its own business interests illustrates that the firm did not carry out a public function during the relevant times of this case." *Id.* Other circuits have likewise concluded that private parties who work with the government to violate an individual's constitutional rights for their own personal benefit are not entitled to qualified immunity. *See, e.g., Felix de Santana v. Velez*, 956 F.2d 16, 20 (1st Cir. 1992); *Burrell v. Bd. of Trustees of Ga. Military College*, 970 F.2d 785, 792, 796 (11th Cir. 1992); *Sherman v. Four Cnty. Counseling Ctr.*, 987 F.2d 397, 405 (7th Cir. 1993).

4. DeLanis requires additional time to prepare a petition for this Court's review. The undersigned counsel of record did not represent DeLanis in the courts below and was only recently retained to represent DeLanis before this Court. Thus, the undersigned needs additional time to thoroughly review the record and issues before filing a petition. The press of other professional obligations, however, will make preparing the petition difficult absent an extension. Over the next several weeks, the undersigned counsel of record is traveling out of town on four separate occasions to three different cities for other litigation, including taking and defending several depositions for a matter pending in federal district court in Tennessee, as well as presenting oral argument in the Sixth Circuit Court of Appeals. On top of that, the undersigned counsel recently received, on March 26, 2026, a 142-page adverse decision following a two-week bench trial in the District of Colorado, which the undersigned must promptly review in anticipation of the 30-day appeal deadline. The

undersigned is also scheduled to be out of the office for a family vacation during the first week of April. The requested extension will ensure that the undersigned counsel has sufficient time to research the relevant issues and prepare a clear and concise petition for this Court's review.

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For these reasons, DeLanis respectfully requests that the time to file a petition for a writ of certiorari in this matter be extended by 60 days, to June 29, 2026.

Dated: March 31, 2026

Respectfully submitted,

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